



RhinoCapital
INCORPORATED

May 3, 2001

Ms. Donna Wieting, Chief
Marine Mammal Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3226
FAX (301) 713-0376

Re: Comments on Navy Operation of Surveillance Towed Array
Sensor System Low-Frequency Active ("SURTASS LFA") Sonar

Dear Ms. Wieting:

Today we are honored by the presence of Christine Stevens who has done as much in her life to protect non-human species from human predation as any person I know. Christine and Craig VanNote began the "Save The Whales" movement in the early 70's. Their action lead to a ban on commercial whaling that continues today. Unfortunately, we continue to miss Christine's message and whale saving seems to be a never ending process.

This hearing is a National Marine Fisheries Service response to public outcry from congress, environmental groups and individuals. Sadly, I believe the only purpose of these hearings is an attempt to dissipate the tremendous pressure that has built up in the public to stop the deployment of the Navy's LFA system.

The fix is in. NMFS will grant the kill permit the Navy has requested. Why do I believe this?

1. Two key staff people at NMFS, Ken Hollingshead and Roger Gentry, are mentioned in the Navy's OEIS as co-preparers of the document. This is a direct and real conflict of interest from an over-site agency.
2. I attended the NMFS public hearing in Los Angeles. From his behavior before and during the conference, I would include Ken Hollingshead as a member of the Navy's EIS team.
3. The Marine Mammal Commission prepared clear, simple comments on the Draft EIS that were submitted to NFMS. These comments detail violations of the NEPA, MMPA, and the ESA if LFA is deployed. None of these comments modified the final EIS or the Navy's aggressive scheduling to deploy LFA in year 2001.

The US Navy has asked permission to conduct an experiment on a global level. They believe the impact of this experiment will be benign. We are gathered here today because we hold the opposite view. We believe that if the LFA system is deployed it may spell the end of a significant portion of marine life in the world's oceans.

MacDonald Hawley
James T. Hecker
Ellen M. Victor



As US citizens, we are here to ask our representatives at the National Marine Fisheries Service to uphold our laws that protect the marine environment and deny the Navy permission to further test or deploy the LFA system.

No Meaningful Testing To Date

The Navy has released an Environmental Impact Statement that has completely failed to examine the impact of LFA on the overall marine environment.

They have chosen to briefly observe initial behaviors of a few whales to sound levels that are many thousands of times less intense than those that are to be used on military ships.

They have made the assumption that the behaviors of the whales that were observed are indicative of no residual or permanent damage. No long-term assessment was conducted to verify this finding.

They have made the assumption that increasing the sound levels from 150dB to 250dB will not cause additional stress or damage.

No study has been made on the effects that sort of sound may have on normal hunting, breeding, communication, travel, social interaction, or other behaviors of marine mammals. The Navy seems to be only interested in evaluating levels of sound that will cause tissue damage.

They have ignored decades of scientifically accepted evidence that show behavior changes in whales and dolphins to noise in the 110-115dB levels.

They have applied for "small take" permits whose maximum kill levels exceed anything that was ever contemplated by the Marine Mammal Protection Act. These kill quantities are so high, they may endanger whole populations of marine mammals.

The Navy has stated they will not use LFA when cetaceans are within a 1 kilometer radius of the transmitter. How is it possible to monitor cetaceans who are submerged much of the time? Who are virtually invisible in poor weather conditions? Who may be damaged within a far greater range than 1 kilometer? Navy data shows that sound levels of 140dB will exist at a radius of 300 nautical miles from the transmitter. Humans will become deaf within 1 minute of exposure to 140dB sound. A 300 nautical mile radius will sweep out a circle of 300,000 square miles of ocean. How can the Navy possibly monitor an area of this magnitude for cetaceans who may be physically damaged by sound at this level?

The Navy has failed to study the effects of LFA on fish, crustaceans, turtles, plankton, and other ocean plants. There is strong evidence to indicate a major negative impact on plankton from high intensity noise. If the bottom layer of the ocean's ecology is damaged, the consequences will be dire for all higher orders of life.



It appears that the Navy is saying, "Let us proceed with the deployment of LFA. We will determine how much harm it is doing later."

This type of experiment on the marine environment is abhorrent anytime. It is especially so during peace time. The oceans support life on earth. The Navy has thrown the "Precautionary Principal" (if an action has a possibility of doing harm, then do not do this action) out the window.

What Is The Threat? The Navy's Pressure To Deploy

Although the Navy has failed to perform even the most cursory environmental impact study, they wish to deploy the LFA system now.

We ask the question, "What is the threat?"

LFA is designed to discover enemy submarines. Since 1988, the existence of a significant offensive threat from enemy submarines has diminished significantly. The Soviet Union is gone. The Russian Navy is now 10% of what it was in 1988. Yes they have attack submarines. However, the number is dwindling rapidly. Also, it would be hard to conceive of the Russian Navy as an imminent threat.

Is China the bad guy? Or Iraq? Or some other rogue nation that may have a submarine or two?

The strongest non-US navies in the world are all Nato members.

The Navy wishes to deploy LFA in coastal waters to deter littoral warfare threats. Who is going to invade the US coastline? And secondly, submarines hate coastal areas. Submarines need deep water to hide. Shallow water is anathema to them. US coastal areas are already under tremendous pressure from development and toxic runoff from the land. Adding an additional negative impact to these areas is both wrong and unnecessary.

LFA has been under development for more than twenty years. Those in charge of the program have failed to notice that the cold war ended during that time. Stressing the world's oceans in order to find a mythical enemy submarine is wrong.

Please.... Deny the US Navy permission to conduct further tests or deploy the LFA system.

Sincerely;

MacDonald Hawley

MacDonald Hawley